

Inside the DOS

Barbara Anthony Appointed New Undersecretary

The Division was very pleased at the appointment of Barbara Anthony as Undersecretary of Consumer Affairs and Business Regulations, replacing Daniel Crane. Undersecretary Anthony, appointed by Governor Deval Patrick, is one of the state’s most well known consumer advocates and a highly respected public interest lawyer. Anthony comes to OCBRA from Health Law Advocates where she was the Executive Director. Prior to that she was Regional Director of the Northeast Regional Office of the Federal Trade Commission where she directed consumer competition advocacy and law enforcement efforts. Anthony also served as



Undersecretary
Barbara Anthony

Chief of the Public Protection Bureau in the MA Attorney General’s Office. Anthony is quite familiar with OCABR, having served as Assistant Secretary in the late 1980s. We at the Division look forward to working with Undersecretary Anthony as she assumes leadership of OCABR.

The Division wants to publicly thank former Undersecretary Daniel Crane for his support of DOS’s programs. Dan took a special interest in weights and measures by supporting our programs for which we are very appreciative. Dan, thanks for a job well done!

NEWMA News

The Northeastern Weights and Measures (NEWMA) Annual Meeting was held in Portland ME, May 11-14. The meeting was very well attended by participating states and industry representatives. Steve Giguere, Maine’s Program Manager, chaired the meeting.

There were lively discussions regarding the proposal to amend H-130, Method of Sale Regulation, to create a method of sale for fuels. The NCWM Law & Regulation Committee decided in January to place ATC on their voting calendar. Based on the comments presented at the open hearings it was quite evident that the Northeast was not supporting ATC in retail motor fuel sale applications. The Northeast counted by approving to recommend an item for consideration at the national meeting that would require all sales of motor fuel at retail by uncompensated gross volume.

DOS Annual Report

The Division is in the process of compiling the information submitted in preparation of issuing our Annual Report for work performed in 2008. To date, there are approximately eight jurisdictions that have not filed their Annual Report, which by law must be filed prior to the end of January. We have notified the appointing authority in these jurisdictions, and hopefully the delinquent reports will be forwarded and no further action by this office will be required.

Under the Consumer and Merchant Act passed in 1998, failure to file the Annual Report is sufficient cause for the Division to determine that the delinquent jurisdiction is not providing adequate weights and measures. Once that determination has been made and notice is made to the appointing authority, as outlined in statute, the Division can then assume the duties of sealer and bill the municipality for the service.

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Wishing Everyone A Happy And Safe Summer!

Motor Fuel Regulations and Pricing Signs

A public hearing will be held at the Division's office in Boston on June 4, 2009, to obtain comments from interested parties



regarding the advertising and sale of motor fuel and certification requirements for weights and measures officials. The Division is proposing to amend the regulations to reflect the current advertising and sale methods that have evolved since the price of petroleum has increased. The main proposed changes are to ensure that the terms and conditions of sale are plainly and conspicuously

posted on both the street signs and the pump signs and to address "bait and switch" sales practices of selling so-called economy grade with regular.

When Is a Gallon Not a Gallon?

The Division, as most jurisdictions do also, receives a number of complaints every year from irate consumers claiming that the gas pump from which they filled up a one-gallon container with fuel for their lawn equipment is inaccurate and held much more than the stated quantity on the container. Containers unlike our field test standards are made to hold more than the stated capacity for safety reasons. This is to account for expansion of the fuel due to increases in temperature. Consumers should not fill containers with more than the indicated quantity markings on the container for safety reasons. Also, all containers must be placed on the ground and not filled while in the vehicle's trunk. If the container is not properly grounded a static electricity discharge could result in a spark leading to a fire.



On the web at www.mass.gov/standards

DEF Is Coming

What is DEF, and why should weights and measures be concerned? DEF is an acronym for Diesel Exhaust Fuel. DEF is 32.5 percent Urea and 67.5 percent water. It reduces diesel emissions by 80 percent, improves fuel mileage by 3 to 5 percent, and has been in use in Europe since 2006. DEF is stored in a separate tank on the vehicle and is injected into the special catalytic converter system called Selective Catalytic Reduction. The SCR chemically interacts with engine exhaust to reduce emissions to nitrogen and water.

These systems were developed to meet the new EPA diesel exhaust standards which take effect in the U.S. in 2010. The SCR is the only technology proven to meet the new EPA standards. Trucks built after 2010 will use SCR technology. The average quantity of fuel purchased by trucks is 150 gallons, and five gallons of urea (DEF) would be needed, as one gallon of Urea is needed for every 30 gallons of diesel fuel. DEF will be dispensed when the truck fuels so the units dispensing DEF will need to be in close proximity to the diesel pumps at refueling sites.

Our concerns need to be addressed regarding equipment and test procedures used to test the DEF dispensing systems. Also, dispensing equipment must have NTEP approval and will need to be evaluated and approved by NTEP before dispensing DEF. Primarily all test equipment must be stainless steel as DEF is corrosive. In addition, DEF freezes due to the high water content at 15 degrees and must be protected from freezing by heating from the inlet to the nozzle. When exposed to air, the water in DEF will evaporate and produce crystallized Urea. Dispensers used for dispensing DEF will be typical of the current dispensers being used for motor fuels and modified for DEF. We will keep everyone posted on this developing and important issue.

Eastern MA Meeting Date Set

The Eastern MA Weights and Measures Association will be holding the spring meeting at the Brookside Club in Bourne on June 24, 2009. Registration will be from 8:30-9:30 a.m. The agenda includes discussions and presentations on topics of current interest to all weights and measures and industry officials. If you are interested in attending please contact Mark Coyne, Brockton Sealer at (508) 580-7120.

